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Convention on the Elimination of All Forms of Discrimination against Women

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17 January 1997

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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Sixteenth session
13-31 January 1997

ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS SIXTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora Javate DE DIOS (Philippines)

II. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women

1. On 31 January 1997, the closing date of the sixteenth session of the Committee on the Elimination of Discrimination against Women, there were 154 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981.

2. A list of States parties to the Convention is contained in annex I to the present report.

B. Opening of the session

3. The Committee on the Elimination of Discrimination against Women held its sixteenth session at United Nations Headquarters from 13 to 31 January 1997. The Committee held .. plenary meetings (.....) and its two working groups held .. meetings.

4. The session was opened by the Chairperson of the Committee, Ms. Ivanka Corti (Italy), who had been elected at the fourteenth session of the Committee, in January 1995.

5. In her opening statement, Ms. Angela E. V. King, Director of the Division for the Advancement of Women, welcomed the new members of the Committee elected at the ninth meeting of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women, in February 1996, and congratulated the five new members who had been elected at that meeting. She expressed her gratitude to the experts whose terms had ended in 1996.

6. She said the sixteenth session of the Committee came at an important time in the life of the United Nations, just after the appointment of the new Secretary-General and at the beginning of the year that marked the fiftieth anniversary of the Commission on the Status of Women. It also came after an important cycle of United Nations conferences that had solidified links between all parts of the United Nations system, Member States, civil society and non-governmental organizations, setting the stage for further consolidating action and implementation by those actors.

7. She stated that the Committee was encouraged by the steady increase in the number of States that had ratified or acceded to the Convention; that number had reached 154, making universal ratification by the year 2000 an achievable goal. She explained that although the Convention continued to be subject to a large number of reservations, some of which were far-reaching, progress had also been achieved in that regard. She referred to General Assembly resolution 51/68 of 12 December 1996, in which the Assembly urged States to limit the extent of any reservation they lodged to ensure that no reservations were incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and to review their reservations regularly, with a view to withdrawing them. Referring to the Committee's meeting time as provided in article 20, paragraph 1, of the Convention, she recalled that the General Assembly, in its resolution 50/202 of 22 December 1995, had approved an amendment to that article which was subject to the approval of two thirds of the States parties to the Convention. As at 10 January 1997, 11 States parties had accepted the amendment. She further explained that in its resolution 51/68, the General Assembly had approved the Committee's holding, in the interim, two sessions annually, each of three weeks' duration. She informed the Committee that this arrangement would begin with the seventeenth session of the Committee, which would be held from 7 to 25 July 1997, preceded by a pre-session working group from 30 June to 3 July 1997.

8. The Director described positive steps that were being taken by the Secretariat, including encouraging States parties that had not submitted reports to the Committee to do so in a timely fashion, and measures that would encourage States parties to act in the spirit of the Platform for Action adopted by the Fourth World Conference on Women and regularize their reporting obligations by the year 2000. She also indicated that concrete efforts continued to be made to develop a complaints mechanism in the form of an optional protocol to the Convention. She recalled that at its fortieth session, in 1996, an in-parallel open-ended working group of the Commission on the Status of Women had discussed the elements of such a protocol, on the basis of suggestion 7 made by the

Committee at its fourteenth session, in 1995. The working group would continue its work at the Commission's forty-first session.

9. Under agenda item 8, she proposed that the Committee take up, in a preliminary way, the revised draft of the rules of procedure, which would then be taken up in detail at its seventeenth session. The Committee, at its present session, would discuss the question of the Committee's relations with non-governmental organizations and the working methods of the Committee. It would also be considering its working relations with other human rights treaty bodies, special rapporteurs, including the Special Rapporteur on violence against women, its causes and consequences, and country rapporteurs. She wished the Committee well in its efforts to monitor the implementation of the Convention and to develop general recommendations as an important tool, noting that at the present session it would continue its drafting of a general recommendation on articles 7 and 8.

C. Attendance

10. All members of the Committee attended the sixteenth session, with the exception of Ms. Desiree P. Bernard, Ms. Sunaryati Hartono and Ms. Kongit Sinegiorgis. Ms. Mervat Tallawy attended from 17 to .. January, Ms. Ginko Sato from .. to .. January and Ms. Yung-Chung Kim from 13 to 17 January 1997.

11. A list of the members of the Committee, together with an indication of the duration of their terms of office, appears in annex II to the present report.

D. Solemn declaration

12. At the opening of the sixteenth session, before assuming their functions, the newly elected members, Ms. Ayse Feride Acar (Turkey), Ms. Yolanda Ferrer Gómez (Cuba), Ms. Aída González Martínez (Mexico), Ms. Yung-Chung Kim (Republic of Korea) and Ms. Anne Lise Ryel (Norway), and the six re-elected members, Ms. Carlota Bustelo (Spain), Ms. Silvia R. Cartwright (New Zealand), Ms. Aurora Javate de Dios (Philippines), Ms. Salma Khan (Bangladesh), Ms. Ahoua Ouedraogo (Burkina Faso) and Ms. Hanna Beate Schöpp-Schilling (Germany), made the solemn declaration as provided for under rule 10 of the rules of procedure of the Committee.

E. Election of officers

13. At its 310th meeting, on 13 January 1997, the Committee elected the following officers for a term of two years (1997-1998) by acclamation, in accordance with article 19 of the Convention on the Elimination of Discrimination against Women and rules 13 and 14 of the Committee's rules of procedure: Ms. Salma Khan (Bangladesh), Chairperson; Ms. Charlotte Abaka (Ghana), Ms. Carlota Bustelo (Spain) and Ms. Miriam Estrada (Ecuador), Vice-Chairpersons; and Ms. Aurora Javate de Dios (Philippines), Rapporteur.

F. Adoption of the agenda and organization of work

14. The Committee considered the provisional agenda and organization of work (CEDAW/C/1997/1) at its 310th meeting, on 13 January 1997. The agenda as adopted was as follows:

1. Opening of the session.

2. Solemn declaration by the new members of the Committee.

3. Election of officers.

4. Adoption of the agenda and organization of work.

5. Report of the Chairperson on the activities undertaken between the fifteenth and sixteenth sessions of the Committee and consideration of the report of the seventh meeting of persons chairing the human rights treaty bodies and action taken by the General Assembly concerning treaty bodies.

6. Consideration of reports submitted by States parties and article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

7. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.

8. Ways and means of expediting the work of the Committee.

9. Provisional agenda for the seventeenth session.

10. Adoption of the report of the Committee on its sixteenth session.

G. Report of the pre-session working group

15. The Committee on the Elimination of Discrimination against Women had decided, at its ninth session,[1] to convene a pre-session working group for five days before each session to prepare lists of questions relating to second and subsequent periodic reports that would be considered by the Committee at the session. The Committee decided that its members should submit to the Secretariat the draft questions on specific countries and articles of the Convention prior to the meeting of the working group.

16. The Committee decided at its fifteenth session that the following four members representing the different regional groups would participate in the working group:

Ivanka Corti (Europe)

Tendai Ruth Bare (Africa)

Aurora Javate de Dios (Asia and the Pacific)

Miriam Estrada (Latin America and the Caribbean).

17. In accordance with the provisional agenda of the Committee (CEDAW/C/1997/1), the working group prepared lists of issues and questions for five States parties to be sent to the following Governments: Canada, Denmark, Philippines, Turkey and Venezuela.

18. The pre-session working group noted that the majority of the reports it reviewed followed the Committee's guidelines for the presentation of reports. This allowed the working group to assess the progress made by States parties in the implementation of the Convention since the previous report to the Committee. The working group appealed to States parties to continue to follow the Committee's guidelines for the presentation of reports so as to expedite the work of the pre-session group and to allow it to analyse the progress of individual States parties in greater depth. The group also noted that the majority of the reports to be reviewed by the pre-session working group had been prepared prior to the Fourth World Conference on Women. Thus, the revised reporting guidelines provided by the Committee and revised at its fifteenth session did not apply. Nevertheless, the pre-session working group took the opportunity to raise questions relating to the implementation of the Beijing Declaration and Platform for Action and the commitments undertaken by each State party during the Conference.

19. At its .... meeting, on .. January 1997, the Chairperson of the pre-session working group introduced the report of the group (CEDAW/C/1997/CRP.1) in which she said ...

H. Composition and organization of work of the working groups

20. At its 311th meeting, on 13 January 1997, the Committee agreed on the composition of its two standing working groups: working group I, to consider ways and means of expediting the work of the Committee, and working group II, to consider ways and means of implementing article 21 of the Convention.

21. Working group I was composed of the following members of the Committee: Ivanka Corti, Miriam Estrada, Yolanda Ferrer Gómez, Aída González Martínez, Salma Khan, Ahoua Ouedraogo, Hanna Beate Schöpp-Schilling and Lin Shangzhen.

22. Working group II was composed of the following members of the Committee: Charlotte Abaka, Ayse Feride Acar, Emna Aouij, Tendai Ruth Bare, Carlota Bustelo, Silvia R. Cartwright, Ivanka Corti, Aurora Javate de Dios, Yolanda Ferrer Gómez, Aída González Martínez, Anne Lise Ryel, Carmel Shalev, Yung-Chung Kim and Salma Khan.

Notes

[1] Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 and corrigendum (A/45/38 and Corr.1), paras. 28-31.

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Draft report

Rapporteur: Ms. Aurora Javate DE DIOS (Philippines)

Addendum

III. REPORT OF THE CHAIRPERSON ON THE ACTIVITIES UNDERTAKEN BETWEEN THE FIFTEENTH AND SIXTEENTH SESSIONS OF THE COMMITTEE

1. The former Chairperson of the Committee, Ms. Ivanka Corti, reported on her activities as Chairperson since the fifteenth session of the Committee. She also reflected on developments with regard to the Committee which had occurred during the four-year period of her chairpersonship.

2. Ms. Corti indicated that, since the fifteenth session, she had participated in the celebration of International Women's Day at the headquarters of the United Nations Educational, Scientific and Cultural Organization (UNESCO), where she took part in a round table on violence against women in all its forms. She also participated in a seminar on violence against women hosted by the French Ministry of Justice, held from 8 to 10 March 1996. Moreover, she participated in two training sessions at the International Labour Organization (ILO) Centre in Turin, as well as conferences of non-governmental organizations (NGOs) in Venice and Tunis.

3. Ms. Corti also attended the fortieth session of the Commission on the Status of Women as an observer, and in particular, the meetings, held in parallel of the open-ended working group on the draft Optional Protocol, which she described to the members of the Committee. She indicated that both the Commission on the Status of Women and the Economic and Social Council had

adopted resolutions providing for the attendance of a member of the Committee as a resource person at the meetings of the Optional Protocol working group at the forty-first session of the Commission.

4. Ms. Corti briefed members of the Committee on the meeting of persons chairing human rights treaty bodies held at the Centre for Human Rights in September 1996, at which she had also been elected chairperson. Topics discussed at the meeting included the relationship of specialized agencies and other United Nations bodies with treaty bodies, and the role of NGOs in the work of those bodies.

5. Ms. Corti discussed the steps she had taken during the year to promote links between the Committee on the one hand and the specialized agencies and other bodies of the United Nations system on the other. She and three other members of the Committee had participated in a joint meeting of the Committee with the Committee on the Rights of the Child sponsored by the United Nations Children's Fund (UNICEF) and held at Cairo from 18 to 20 November 1996. The meeting had constituted an important step towards strengthened cooperation between the human rights treaty bodies. The former Chairperson also reported on the meeting with Ms. Carol Bellamy, Executive Director of UNICEF, at which concrete proposals for future cooperation with the Committee were put forward.

6. Ms. Corti reminded the Committee of the suggestion she had made to Dr. Nafis Sadik, Executive Director of the United Nations Population Fund (UNFPA), following the International Conference on Population and Development that UNFPA should work with the Committee to consider the human rights implications of the Conference's Programme of Action and its relevance to the work of the Committee and the human rights treaty bodies. Those suggestions resulted in the Round Table on Human Rights Approaches to Women's Health, with a focus on Reproductive and Sexual Health and Rights, co-sponsored by UNFPA, the Division for the Advancement of Women and the Human Rights Committee, held at Glen Cove, New York, from 9 to 11 December 1996. This was the first such meeting of chairpersons of treaty bodies on thematic issues. It was followed by further discussions between Dr. Sadik and members of the Committee. Ms. Corti also commended the steps that had been taken by the United Nations Development Fund for Women (UNIFEM) to promote both the Convention and the Committee.

7. Expressing the view that she had felt honoured to represent such an extraordinary Committee of women devoted to the defence of women's human rights, Ms. Corti recalled that when she had first assumed the chairpersonship of the Committee measures were needed to make the Convention and the Committee better known. The Vienna, Cairo and Beijing conferences had provided an important framework for this work. She pointed to the various achievements of the Committee during this period, beginning with the formulation, with UNESCO, of the manifesto "Towards a Gender-Inclusive Culture through Education". She reminded members of the extraordinary one-week session organized by a State party (Spain) in May 1995, and the amendment to article 20 (1) of the Convention. She noted the growing interest of NGOs in the work of the Committee, specifically mentioning the participation of a number of Committee members in workshops at the NGO Forum to the Fourth World Conference on Women, and the work of the International Women's Rights Action Watch (IWRAW), the International Human Rights Law Clinic of the City University of New York Law

School and the International Human Rights Law Group in promoting the Convention and supporting the work of the Committee. She also described in this context the Round Table on Women's Health as a Human Right organized by the Commonwealth Medical Association at Toronto in October 1996, in which members of tne Committee participated.

8. Ms. Corti drew attention to developments in various areas of the Committee's work during her chairpersonship. She noted in particular general recommendation 21, equality in marriage and family relations and the fact that the Committee had updated its reporting guidelines at its fifteenth session to take account of the Beijing Declaration and Platform for Action.

9. Ms. Corti congratulated Ms. Khan on her election as Chairperson and noted that her task would be a challenging one. She reminded members that the Committee will now meet twice yearly and that its work required rationalization. Steps needed to be taken to reduce the backlog of reports awaiting consideration by the Committee and to establish permanent relations with NGOs and encourage their greater involvement in the Committee's work. The new rules of procedure required finalization and a permanent relationship needed to be forged with the non-treaty human rights mechanism, and in particular, with the Special Rapporteur on violence against women. She noted the importance of the establishment of the Women's Rights Unit in the Division for the Advancement of Women and the appointment of the Chief of that section, whom she encouraged to maintain close links with the Chairperson of the Committee.

10. Finally, Ms. Corti thanked current and former Committee members, the members of the Division for the Advancement of Women and the staff of the Centre for Human Rights, NGOs and the various academics who had contributed to the popularization and appreciation of the Convention. In conclusion, she expressed appreciation for the solidarity of all women, which was fundamental to the Committee's success.

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Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports of States parties

Morocco

1. The Committee considered the initial report of Morocco (CEDAW/C/MOR/1) at its 312th, 313th and 320th meetings, on 14 and 20 January 1997.

2. In introducing the report, the representative of Morocco informed the Committee that Morocco's initial report had been submitted to the Secretariat in July 1994 in accordance with article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, one year after Morocco had acceded to the Convention. King Hassan II had taken the initiative in 1992 and invited various women's associations to submit amendments to the existing Personal Status Code in order to eliminate the obstacles impeding Moroccan women from the enjoyment and exercise of their rights. A number of articles of the Personal Status Code were amended accordingly and in conformity with various international agreements and instruments, while the Code maintained its respect of the principles of Islamic law, the shariah.

3. The representative pointed out that the initial report described institutional, legal, administrative and other measures taken to promote and protect the human rights of women within an overall political and legal framework. The Government of Morocco linked the status of women to human rights and recognized the inseparable links between the respect for human rights, democracy and social, economic and cultural development. The human rights protection aspects of the elimination of discrimination against women and the advancement of women were transferred from the social affairs ministries to the Ministry of Human Rights, which was working in cooperation with other ministerial departments on these issues.

4. The Constitution, revised in 1992 and 1996, now contains provisions intended to ensure a greater respect for human rights in general and for the human rights of women in particular. The revised Constitution established a bicameral parliament and also allowed for the establishment of fact-finding commissions to address the elimination of discrimination against women. As a result of the reform of Morocco's Family Law, any case of discrimination against women could now result in legal proceedings.

5. The representative then briefed the Committee on legal and administrative measures that had been taken in his country to achieve equality between women and men within the framework of promotion and protection of women's human rights. The legislation relating to employment, as well as the Penal Code, had been modified. Efforts had been made, especially in the field of education and employment. The Government was concerned about the high rate of illiteracy among women, and it considered women in rural areas the most vulnerable group. A literacy campaign had therefore been launched with the goal of reducing the illiteracy rate to 10 per cent by the year 2010, specifically among rural women. However, while all citizens had an equal right to education and employment, pursuant to article 13 of the Constitution, the representative acknowledged that there existed a number of statutory exceptions that excluded women from entering certain professions.

6. In concluding his presentation, the representative of Morocco recognized that there were still a number of barriers preventing women from exercising and enjoying their human rights and participating fully in the socio-economic development of the country, but he assured the Committee of his Government's willingness to pursue the task of eliminating all these obstacles.

Introduction

7. The Committee thanked the State party for its report, which had been submitted on time. It noted, however, that the format of the written report had not adhered to the Committee's guidelines. The State party had nevertheless established a frank and constructive dialogue with the Committee through its oral report and its replies.

Factors and difficulties affecting the implementation of the Convention

8. The Committee felt that, although the instrument of ratification of the Convention by the Kingdom of Morocco was in itself an important event, the fact that it had been accompanied by declarations and reservations concerning the substance of the Convention seriously hindered the latter's implementation.

9. The Committee noted the obvious contradictions between the obligations deriving from the undertaking made by the State party at the time of signing the Convention and the persistence of considerable discrimination against women in Morocco.

Positive aspects

10. The Committee noted with satisfaction the revision of the Constitution, which strengthened the rule of law in Morocco by solemnly proclaiming the country's attachment to human rights as universally recognized.

11. The Committee believed that that undertaking by the State would inevitably benefit women, since women's rights were an integral part of human rights.

12. The Committee noted with satisfaction that the "women's unit" set up within the Ministry of Human Rights was involved in the overall process initiated by Morocco in that regard.

13. The Committee welcomed the efforts made by the State party to revise and amend the Personal Status Code (Moudouana). Those efforts reflected the political determination of the State party, at the highest level, to enhance the legal status of women.

14. The Committee noted with satisfaction the emergence of a women's association movement which had managed to give expression to women's demands and to give their concerns a national dimension.

Principal subjects of concern

15. The Committee was deeply concerned at the number and importance of the reservations made by Morocco, particularly the reservation to article 2, which was one of the Convention's substantive articles. Any reservation to that article was contrary to the object and purpose of the Convention and incompatible with international law.

16. The Committee noted with regret that the State party did not envisage withdrawing any of its reservations.

17. The Committee also noted that, unlike other international treaties, the Convention had not been mentioned, publicized or published in the Official Gazette.

18. The Committee expressed regret that there was no specific women's rights machinery that could coordinate and guide activities and projects for women in order to better inform women of their rights.

19. The Committee expressed the fear that, despite the efforts made in the political sphere, women's representation at the policy-making level was minimal.

20. The Committee emphasized that cultural characteristics could not be allowed to undermine the principle of the universality of human rights, which remained inalienable and non-negotiable, nor to prevent the adoption of appropriate measures in favour of women. As a result, the Committee remained concerned at the profound inequalities affecting the status of women in Morocco. Considerable discrimination in the area of marriage, conjugal relations, divorce and the custody of children and with regard to the punishment of adultery and the ability to pass on nationality continued to benefit the husband to the detriment of the wife.

21. The Committee emphasized that discrimination was not limited to the private sphere but also affected the public sphere. Blatant inequalities could be observed in women's recruitment, wages and leave entitlements.

22. The Committee noted with concern that no legislation was envisaged to protect women against all forms of violence. The Committee was also surprised that the report made no mention of article 6 of the Convention, concerning prostitution.

23. The Committee was concerned at the high rate of female illiteracy, which affected little girls and rural women in particular.

24. The Committee noted with concern that the programme of action for women's health was not sufficiently developed in Morocco, especially in rural areas, and that the maternal mortality rate remained quite high.

Suggestions and recommendations

25. The Committee recommended that the State party consolidate the principle of equality between men and women in all spheres in order to incorporate it into the Constitution and bring it into line with the relevant international norms of the Convention.

26. The Committee expressed the hope that the Government would envisage, through the political will of its leaders, the gradual withdrawal of the many reservations that were seriously undermining the proper implementation of the Convention.

27. The Committee recommended the establishment of specific machinery that would coordinate and guide action in favour of women and would be able to prevent the persistence of attitudes, prejudices and stereotypes that discriminated against women.

28. The Committee further recommended that education in women's rights, covering national and international legislation, be provided in all school and university systems, to women's associations and non-governmental organizations and in rural areas.

29. The Committee recommended that the competent national bodies, the women's sections of the different political parties, and associations and non-governmental organizations should do their utmost to bring about as great a change in men's traditional role in the family and in society as in women's, so as to ensure genuine equality of opportunity between men and women in all spheres. It observed that revising the content and the orientation of school textbooks in order to eliminate stereotypes and negative images of women could help to speed up a change of mentality and remove certain obstacles.

30. The Committee also asked the Government to pay particular attention to vulnerable groups, such as women heads of household, abandoned women and disabled women, and to take the necessary steps to protect them from any form of exclusion or marginalization. Overcoming inequality contributed to poverty reduction and to the country's economic development. The Committee recommended to the Government that appropriate, effective measures be taken to reduce both the illiteracy rate and the maternal mortality rate, which were high in rural areas.

31. The Committee strongly recommended that the Government continue its efforts to modify and amend legislation that was still discriminatory, in order to bring it into line with the provisions of the Convention. While respecting the stages in Morocco's political, economic, sociological and cultural evolution and the need for the population to support any reform concerning women's rights, the Committee encouraged the Government to persevere in using ijtihad and the positive interpretation of sacred texts to give the necessary impetus to the status of women and to gradually change mentalities. Muslim culture, with its values of equality, justice and tolerance, incorporated the principles of human rights, especially women's rights, perfectly and could ensure their development and observance.

32. Lastly, the Committee asked the Government to respond to all its concerns in the next report and to provide statistics on all areas that had a bearing on the advancement on women, so that the progress made could be measured.

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Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

1. Initial reports of States parties

Slovenia

1. The Committee considered the initial report of Slovenia (CEDAW/C/SVN/1) at its 314th, 315th and 321st meetings, on 15 and 20 January 1997.

2. The report was introduced by the Permanent Representative of Slovenia, who emphasized the importance his Government attaches to the international human rights treaties and in particular the Convention on the Elimination of All Forms of Discrimination against Women, and expressed its support for an early adoption of the Optional Protocol to the Convention.

3. The Director of the Office for Women's Policy of Slovenia then proceeded to provide an update of Slovenia's initial report, submitted to the Secretariat in 1993 in accordance with article 18 of the Convention. She noted that the report was prepared during the period of economic and political restructuring by her Office and in cooperation with the responsible ministries and other institutions, including non-governmental organizations. The impact of the

transition on women could not yet be fully assessed, but Slovenia had prepared an updated report as an appendix to the initial report, which it had submitted to the Committee early in 1997. The information provided in this document allows some initial assessment in this regard.

4. The Committee was informed that the Office for Women's Policy had been created during the early stage of transition from socialism to parliamentary democracy. It had been established by the Government in July 1992, as the central policy coordinating unit of the Government, responsible for implementing the rights of women guaranteed by the Constitution, laws and international agreements. The Office is an important step forward in the integration of the principle of gender equality into the government policies.

5. The representative of Slovenia outlined the political, economic and legal situation in Slovenia and their impact on the de facto status of women. Slovenia is a country in transition, which has preserved a relatively high degree of social protection in an environment of economic stability and growth. Unemployment and other problems of transition have affected women but to a lesser degree than men. The Committee took note of the general circumstances and focused on the specific issues pertaining to the questions of the rights of women. The Committee also took note of how the rights of women were guaranteed and protected by the Constitution, to what extent Slovenian women were involved in political decision-making and how they had been participating in ongoing democratization.

6. The Government of Slovenia is particularly concerned about the prevalence of the traditional gender stereotypes and certain forms of de facto discrimination against women. With regard to education, it was reported that while women enjoyed a high level of education in general, there were clear differences in what women and men preferred to study, with women concentrated in traditionally female subjects. Women, especially the young and educated, were facing difficulties in getting employment. The Slovenian pension system benefited women and men differentially. Women's generally lower pensions were a reflection of the lower paid sectors in which women were employed and the frequent leave women took in order to care for their children. Despite the law that guarantees the right of both father and mother to take parental leave, fathers still failed to play an equal role in the care of children and in their education. With regard to women's reproductive health, it was noted that the right to abortion was guaranteed by the Constitution, however, the Committee was alerted to the high rate of abortion, despite the wide and legal availability of contraception and contraceptive advice.

7. In concluding the presentation, the representative of Slovenia recognized that much remained to be done to achieve full equality between women and men, and assured the Committee of the willingness of her Government to undertake all the necessary measures to achieve the principles established in the Convention.

Introduction

8. The Committee welcomed the high-level representation of the Government of Slovenia and applauded the fact that, after gaining its independence, the Government had quickly accepted the international human rights obligations assumed by the former Socialist Federal Republic of Yugoslavia. It commended the Government for its timely submission of a well-structured, informative and honest report, which followed the reporting guidelines of the Committee and gave a frank picture of the situation of women in Slovenia. It also welcomed the additional collection of statistical data, which were comprehensive in certain areas and were disaggregated by sex, as well as the extensive answers to the Committee's questions, which were given both in oral and written form. The Committee also took note of the support of the Government of Slovenia to the formulation of an Optional Protocol to the Convention and applauded the fact that an action plan was being prepared to implement the Beijing Platform for Action.

Factors and difficulties affecting the implementation of the Convention

9. The Committee was aware of the difficulties Slovenia was facing as a result of the transition towards democracy and a social-market economy and the need to build a different civil society. Many of these difficulties can, and do, have a negative impact on the situation of women in Slovenia and thus impede the legal and practical implementation of the Convention. The Committee was also aware that sex-role stereotypes relating to the nature of women and men and the "appropriate" work for the sexes were pervasive in Slovenian society. Those stereotypes had not been questioned under the former political system, despite its adherence to formal equality between women and men.

Positive aspects

10. The Committee welcomed the sensitivity towards gender issues expressed by the Government of Slovenia and by certain sectors of the newly emerging civil society, in particular in the number of non-governmental organizations for women.

11. It applauded the extensive human rights guarantees in the Slovenian Constitution, in particular those guarantees relating to the human rights of women. It welcomed the fact that the Convention took precedence over national legislation. The immediate effect of the Convention in the Slovenian legal system and legislation providing women with de jure equality was welcomed by the Committee, as was the integration of human rights principles into its ongoing process of legislative reform and into its newly formulated policies.

12. The Committee commended the active women's machinery, the Office for Women Policy, founded in 1992, which operates as an independent government advisory service, advising the Government on legislation, policies and programmes and which, through campaigns and programmes, seeks to improve gender sensitivity in the population.

13. The Committee welcomed the efforts of the Government to eliminate stereotyped images of women in the media and in advertising, as well as the National Programme for Households, which aims at helping young women and men to share work and family responsibilities in a non-stereotyped way.

14. The Committee noted that the Government of Slovenia was aware of the widespread violence against women in the private sphere, and that it was developing, through its national machinery and by supporting non-governmental organizations that act on behalf of women, measures to combat that violence and to assist victims. It also commended the steps towards new legislation to protect prostitutes.

15. The Committee applauded the temporary special efforts of the Office for Women's Policies to raise awareness and to introduce measures to increase women's representation in parliament. It noted the high number of women in the judiciary and the promising figures of women's enrolment in the faculties of law at Slovenian universities with satisfaction. It also noted the significant representation of women in high-level administrative jobs. It applauded the fact that a large number of non-governmental organizations for women had been formed in a relatively short time and the cooperation fostered by the Office for Women's Policies with non-governmental organizations, in particular during the preparation of the report and in the formulation of the National Platform of Action, which seeks to implement the Beijing Platform for Action.

16. The Committee commended the Government on the high level of women's education in Slovenia, on envisioned educational reforms and on the efforts that had been made to include human rights education at various levels of the school curriculum. It noted with satisfaction that courses in women's studies were offered at some universities and that research on the impact of the depiction of women in textbooks was being carried out.

17. The Committee took note of the existence of a formal day-care system that provides day-care to slightly more than 50 per cent of children up to the age of 7. The Committee welcomed the revision of the existing labour legislation and the formulation of new equality provisions in this legislative area. It also welcomed the fact that in this legislation, the principle of "equal pay for equal work" and for "work of equal value" would be considered. It noted with satisfaction that a high percentage of women were employed. It welcomed the envisioned provisions against sexist language in job classifications and advertisements and noted with satisfaction the discussion of a legislative proposal on parental leave that would give a greater share of responsibility to fathers.

Areas of concern

18. The Committee was concerned that the Office for Women's Policies had an advisory role only and was, therefore, dependent on the political will of the Government. It was concerned that the human and financial resources of the Office might be too small considering the tasks it had to tackle.

19. The Committee also noted with concern the pervasiveness and entrenched nature of sex-role stereotypes and pointed to the risk that such stereotypes might be strengthened because of the difficult economic, social and cultural changes the population of Slovenia was facing. The Committee was of the view that one of the results of sex-role stereotyping was that women performed most of the household work and thus had a double burden of work.

20. Concern was also expressed whether the real extent of violence against women was being discovered and whether the current measures were sufficient not only to combat it, but also to assist its victims of the various stages of dealing with incidents of violence after its occurrence, that is, finding support by police and judges, getting counselling, getting placements in shelters, rebuilding new lives and so on.

21. The Committee noted with great concern that the numbers of women represented in politics were falling despite the various measures that had been undertaken in that sphere.

22. The Committee was concerned about the clustering of female students in certain disciplines, both at schools and universities, which did not provide optimum employment opportunities. The Committee was also concerned that a gender-neutral educational framework might not be sufficient to counteract hidden sex-stereotypical educational messages and practices or to provide gender-related educational experiences.

23. The Committee was concerned that less than 30 per cent of children under 3 years and slightly more than half of all children between 3 and 6 years were in formal day care, and that the remaining number of children, although lovingly cared for by grandmothers, might miss out on educational and social opportunities that were offered in formal day-care institutions.

24. The Committee noted with concern that women were clustered in certain jobs and professions and at certain job levels. It noted the feminization of the medical profession and the low wages in that sector. It was alarmed by the high number of young unemployed women who were looking for a first job and was aware that failure to find such employment might confine women to the role of homemaker. In that context, the Committee took account of the unfortunate fact that market economies tended to favour male employees who, by virtue of traditional roles and work allocation, were deemed unencumbered by family responsibilities.

25. The Committee was concerned that temporary work for women might be institutionalized and that women would thus be marginalized in the labour market and become victims of indirect discrimination. It was also concerned that occupational health standards for women might result in discrimination against women in employment.

26. The Committee noted with concern the very high number of abortions and the corresponding low use of contraception. Concern was also voiced with respect to the large numbers of single parent families, usually headed by women.

Suggestions and recommendations

27. The Committee recommended that the ongoing revision of laws should take account of hidden, indirect and structural discrimination and that sufficient attention should be paid to the formulation of temporary special measures in the fields of politics, education, employment and the implementation of de jure and de facto equality for women. It recommended that the judiciary should be made aware of the meaning of indirect and structural discrimination, de facto equality and the concept of temporary special measures.

28. The Committee suggested that the Government of Slovenia, as well as the non-governmental organizations for women, should be aware that the concept of privacy of family life and the reproductive role of women can be utilized to hide violence against women and reinforce sex-role stereotypes.

29. The Committee recommended the establishment of the proposed gender equality ombudsperson.

30. It recommended the establishment of a formal complaint procedure and a formal evaluation board outside the Chamber of Commerce, which includes all sectors of society, to address sexist advertisements. This procedure should incorporate sanctions against offending advertising agents.

31. The Committee recommended new efforts directed at the political education of women and men and of political parties in order to ensure more effective temporary measures that would increase the representation of women at all levels of political life.

32. The Committee suggested that the Government of Slovenia make structured efforts to overcome the clustering of female students in certain disciplines at schools and at universities. Such measures could include special counselling and gender-specific temporary measures with numerical goals and timetables. It also recommended that women's studies be formally established at universities and become part of the school curriculum.

33. The Committee recommended the creation of more formal and institutionalized child-care places for children under 3 years as well as for those of 3 to 6 years.

34. The Committee strongly recommended that revised labour legislation should contain equality and anti-discrimination provisions and strong sanctions for non-compliance. It also recommended temporary special measures with concrete numerical goals and timetables in order to overcome employment segregation. The Committee strongly recommended the adoption of parental leave legislation in which part of the leave was mandatory for the father.

35. The Committee encouraged the Government to create assistance programmes for women who wished to start their own businesses and to educate banks and other relevant institutions about women's capacities in that area. It also encouraged the creation of specific government-subsidized employment opportunities for young women and to address their unemployment with specific measures, including quotas related to their percentage of the unemployed population.

36. The Committee also recommended measures to expedite the collection of data in the health sector so as to provide the basis for legislation, policies and programmes.

37. The Committee suggested concentrated efforts towards family planning education including an emphasis that abortion is not a method of contraception. It suggested that when couples decided to have no further children, men should be encouraged to consider sterilization.

38. The Committee urged the wide dissemination of these concluding comments in Slovenia to make Slovenians aware of the steps that had been taken to ensure de facto equality for women and the further steps that were required in this regard.

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13-31 January 1997

ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS SIXTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora Javate DE DIOS (Philippines)

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

2. Combined initial, second and third periodic reports

Saint Vincent and the Grenadines

1. The Committee considered the combined initial, second and third periodic reports of Saint Vincent and the Grenadines (CEDAW/C/STV/1-3 and Add.1) at its 316th and 317th meetings, on 16 January 1997, and its 322nd meeting, on 21 January 1997.

2. In introducing the report, the representative of Saint Vincent and the Grenadines apologized that the report submitted to the Committee in 1992 (CEDAW/C/STV/1-3) had been sent owing to an administrative error. The representative requested that the report submitted to the Committee in 1994 (CEDAW/C/STV/1-3/Add.1) be considered as the principal report. She further indicated her willingness to clarify statements in the document dated 4 November 1991 of the International Women's Rights Action Watch.

3. The representative indicated that a number of legislative reforms, including the Domestic Violence Act and the Equal Pay Act, had been implemented

since the submission of the report (CEDAW/C/STV/1-3/Add.1) in 1994. A family court and legal aid had been introduced within that period, as well. The representative indicated that treaties were not self-executing in Saint Vincent and the Grenadines and, although there was no specific law against discrimination, a woman who was discriminated against might seek legal redress in the High Court under Section 16 of the Constitution. The Convention on the Elimination of All Forms of Discrimination against Women had been seen as a major step in developing legally binding and internationally accepted principles aimed at achieving equal rights for women. Consequently the Government had introduced national legislation that conformed to the articles of the Convention.

4. The representative briefed the Committee on the administrative measures that had been taken to advance the status of women, including the establishment of a Women's Desk in 1984-1985, which had subsequently been upgraded to the Department of Women's Affairs. The Department, along with the National Council of Women, was focused on establishing equality between women and men, proposing socially responsive legislation and implementing policies that favourably affected women.

5. The Government of Saint Vincent and the Grenadines expressed concern with regard to several important socio-economic issues, including youth unemployment, the high rate of female migration, decreased export earnings in the agricultural sector, the high rate of pregnancy among pre-teenagers and adolescents, traditional socio-cultural attitudes reflecting stereotyped gender roles and the prevalence of domestic violence.

6. The representative stated that, while all citizens had an equal right to education, employment, political participation and representation, obstacles remained for women in tertiary education and there was occupational segregation in the labour market. A gender gap also persisted in public sector employment, particularly at decision-making levels and in political life. Women experienced limited access to credit and land ownership, particularly in the rural areas, despite the fact that they represented a high percentage of the agricultural labour force.

7. In concluding her presentation, the representative of Saint Vincent and the Grenadines indicated that she eagerly anticipated questions that might be raised by the experts on the development of the status of women, and pledged to take appropriate actions on behalf of the women of Saint Vincent and the Grenadines and in keeping with their needs.

Concluding comments of the Committee

Introduction

8. The Committee expressed appreciation for the frank presentation of the combined initial, second and third reports. The oral presentation complemented the comprehensive written reports. The Government of Saint Vincent and the Grenadines was commended for being one of the first countries that had ratified the Convention, and had done so without reservation. The Committee regretted the lack of focus on how the status of women had progressed since the

ratification in 1981 to date. It also regretted the delay in the presentation of the initial report. The report failed to make any reference to a follow-up to Beijing or commitments made. There was also no information on implementation of the Committee's general recommendations.

Factors and difficulties affecting the implementation of the Convention

9. The current legal system did not allow for the direct enforcement of the Convention. As it was not part of domestic law, women could not fully exercise their rights under the Convention. Pervasive traditional, social, and cultural values, as well as behaviour, impeded the advancement of women.

Positive aspects

10. The Committee expressed its satisfaction with the well-structured reports that followed the reporting guidelines. The report format, with full text of the articles, followed by the relevant comments, was a good innovation and made the report a very useful educational document. The report provided excellent data. The Committee appreciated the Government's efforts to conform to the provisions of the Convention by introducing several legal reforms. It was also appreciated that the Government and non-governmental organizations were collaborating in the implementation of the Convention.

Principal subjects of concern

Article 2

11. Legal measures that had been taken did not address all aspects of the Convention. Some existing domestic laws contravened the Convention. The Committee regretted that the Constitution did not specifically refer to the equality of women. It was also regretted that the Convention had never been cited in any legal proceedings.

Article 4

12. The Committee noted with concern that the Government had not made use of affirmative action measures to accelerate the unequal status of women, particularly in the areas of employment and public service.

Article 5

13. The non-availability of shelter homes, which additionally provided victims with counselling services, was of concern to the Committee. Again the Committee was very concerned about the persistent traditional, stereotyped roles and attitudes towards women and girls. Moreover, domestic violence was rampant, a fact that was also of great concern to the Committee.

Article 6

14. The Committee noted with concern that no research had been undertaken on the real situation concerning prostitution and trafficking in women.

Article 7

15. The low participation of women in the political parties and as candidates for election was of great concern to the Committee.

Article 10

16. Although the Convention on the Rights of the Child and human rights in general were part of the school curriculum, the Committee was concerned that the women's Convention was not taught in schools. The Committee was very concerned about the very high rate of teenage and pre-teen pregnancy, which sometimes even forced children to be mothers with very serious, negative consequences for their future, in particular, the interruption of their education.

Article 11

17. The Committee was concerned about the very high rate of unemployment among women, which increased their vulnerability to domestic violence. It noted with concern that the Government had not made use of affirmative action to redress that problem. The Committee also expressed its concern about the feminization of migration.

Article 12

18. The Committee was concerned that women had to seek spousal consent for tubal ligation. That not only contravened article 12, but also article 15 of the Convention. The law on abortion limited women's rights to safe motherhood and to take control of their reproductive health.

Article 16

19. The Committee was concerned about the high rate of female migration outside Saint Vincent and the Grenadines and its effect on their children and aged relatives.

Suggestions and recommendations

20. There was a need to review all domestic laws with the aim of identifying which ones needed to be amended, and which new laws needed to be enacted in order that women could fully enjoy all the rights provided for under the Convention.

21. Subsequent reports must give information on the implementation of the Committee's general recommendations and also on follow-up programmes for the implementation of the Fourth World Conference on Women.

22. The Committee also wanted to be apprised of the commitments made at Beijing and the programmes developed to pursue agreements reached at Beijing.

23. The next report must indicate special measures that had been taken by the Government and the political parties to close the gap between de jure and de facto equality, particularly in the area of political decision-making and employment.

24. The next report should also provide more detailed information on prostitution and trafficking.

25. Government, non-governmental organizations, churches and indeed all individuals must increase family-life education to curb the very high rate of pre-teen and teenage pregnancy.

26. The laws on abortion should be reviewed with a view to removing the penal nature of the law and to guaranteeing safe motherhood.

27. Government and the private sector must work towards creating job opportunities to help keep employable females in Saint Vincent and the Grenadines so that they could better take care of their children and aged relatives and contribute meaningfully to the development of their country.

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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS SIXTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora Javate DE DIOS (Philippines)

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

3. Second and third periodic reports

Turkey

1. The Committee considered the combined second and third periodic reports of Turkey (CEDAW/C/TUR/2-3) at its 318th and 319th meetings, on 17 January 1997.

2. In her introductory statement, the representative of Turkey pointed out that the report had been prepared in a participatory way and reflected the contributions of different women's organizations. She placed women's status within the framework of globalization, which seemed to offer new hopes, but also the possibility of growing inequalities, including between women and men. She underlined that respect for the human rights of the individual, without cultural boundaries, and the concept of equal citizenship in a State governed by the rule of law continued to provide the most workable framework, as well as new opportunities, for achieving gender equality.

3. The representative noted that, in Turkey, contradictions of globalization, modernization and traditionalism had an impact on the status of women in

society. Constraints of underdevelopment and structural adjustment and of religious fundamentalism and claims based on ethnic rivalries presented sources of conflict with long-term prospects that may be unfavourable for the status of women.

4. While acknowledging continuing inequalities and disparities in the status of women, the representative highlighted progress and pointed to the development of a gender sensitive agenda in Turkey. Supported by growing feminist and women's movements, women had become visible and had been expanding their sphere of action. The most arduous and urgent task facing the Government now was to respond to the demands of women, particularly the enhancement of their basic citizenship rights within a secular social order.

5. In Turkey, a secular country with a predominantly Muslim population, the equality of men and women was recognized in the Constitution and in statutes. While some discriminatory clauses in the Turkish Criminal and Civil Codes had been repealed in recent years, an overall reform of the Civil Code remained to be completed.

6. The Directorate General on the Status and Problems of Women had been established in 1991 and was attached to the Prime Ministry. Despite its limited staff and budget, the Directorate acted as the coordinating body vis-à-vis government institutions, networked with non-governmental organizations and supported research and training. Gender issues were an integral part of Turkey's five-year development plan. While a number of special measures and initiatives had been introduced to strengthen women's active participation in development, more was needed to reach a larger number of women. Currently the establishment of the Under-Secretariat for Women's Affairs and Family was under way.

7. Among the challenges faced by Turkey in achieving women's equality, the representative identified the disparities in status and opportunities for urban middle-class and rural women; violence against women in the private domain; a strengthening of the contribution of the media to the advancement of women, including through an increase in the number of female professionals in this area; and the revision of educational materials, which continued to portray women in their traditional roles as mothers and wives. Likewise, women's participation in politics and in Parliament remained low, notwithstanding the introduction of quotas by political parties.

8. Disparities in socio-economic areas remained a great concern and included women's low literacy rates, their access to education and opportunities, as well as patterns of employment. Women's low status also affected their access to health services. Particular problems persisted for Turkey's rural women in eastern and southeastern Anatolia, who continued to live in traditional social frameworks and were affected by an ongoing armed conflict and whose access to opportunities and services remained severely limited.

9. At the Fourth World Conference on Women, Turkey committed itself to withdrawing all its reservations under articles 15 and 16 of the Convention by the year 2000, a step which requires the revision of a number of discriminatory

laws contained in the Civil Code. Turkey also committed itself to achieving full literacy of women by the year 2000.

General comments

10. The Committee expressed its appreciation to the Government of Turkey for its high-level delegation, which was headed by the Minister of State responsible for Women's Affairs and the Family, and the exhaustive replies and information provided by the Government in response to the questions of the pre-session working group.

11. The frankness of the assessment of the status of women, particularly in the oral presentation, and the acknowledgment of persisting inequalities and disparities, indicating the Government's willingness to confront the critical issues facing women in Turkey, was appreciated by the Committee.

12. The Committee also appreciated the well-structured, frank and detailed report, which followed its guidelines. The Committee expressed its satisfaction that, in the course of the dialogue with the Committee, the representatives of the State party manifested the determined political will of the Government to implement the Convention progressively. At the same time, and in a self-critical manner, the representatives described the difficulties encountered in the implementation of policies and programmes consistent with the Convention.

Positive aspects

13. The Committee noted that the consolidated second and third reports were prepared with the contributions of governmental institutions, specialists and academicians working on women's issues, women's groups, political parties, trade unions, representatives of the media and non-governmental organizations.

14. The distribution of the previous report to all institutions and persons concerned with women's human rights and the translation of the Convention into Turkish was welcomed by the Committee.

15. The Committee welcomed the information, reiterated in the excellent oral presentation of the delegation of the State party, relating to the draft law to amend the various articles of the Civil Code pertaining to family law, which will allow for the withdrawal by Turkey of its reservations.

16. The Committee also welcomed the information in the report relating to the Government's intention to revise the Citizenship Law, which will allow for the withdrawal of reservations relating to article 9.

17. The Committee further welcomed the decision of the Government of Turkey to conclude bilateral agreements with other countries that would permit Turkish citizens, women and men alike, to keep their citizenship upon marriage to a foreign national.

18. The Committee congratulated the Government for legally guaranteeing the equal right of girls and boys to free education and training. It also welcomed the recommendation of the fifteenth National Council of Education to increase

the compulsory and uninterrupted primary education to eight years and its decision to develop curricula and revise textbooks and teaching methods so that they are free of sex-based stereotypes and that gender-based prejudices are eliminated from educational programmes.

19. Taking note of the wide and detailed information and statistical data related to the situation of women in the field of employment, the Committee appreciated the fact that women are entitled to the same employment opportunities as men. It also welcomed the participation of women in the labour force in different economic activities.

20. The Committee took note of the impact of the microcredit scheme in promoting women entrepreneurs.

21. The Committee also welcomed the commitments made by Turkey at the Fourth World Conference on Women to the effect that by the year 2000 it would:

(a) Reduce infant and maternal mortality rates by 50 per cent;

(b) Raise compulsory education to eight years;

(c) Eradicate female illiteracy;

(d) Withdraw the reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

Factors and difficulties for the full implementation of the Convention

22. The reservations to articles 9, paragraph 1, 15 and 16 of the Convention were regarded by the experts as serious impediments to the full implementation of the Convention in the State party.

23. The contradictions of globalization, modernization and deeply rooted traditionalism interplay strongly in the context of the status of women in Turkey. Being the only secular country with a predominantly Muslim population, Turkey was currently experiencing pressures from various religious fundamentalist groups, as well as because of the claims of ethnic rivalries that had been emerging all around the world. The Committee recognized the serious impact that these pressures had on the condition of women and that they served to perpetuate the existing inequality between women and men and hampered the de jure and de facto implementation of the Convention.

Principal subjects of concern

24. The Committee is deeply concerned about the reservations of Turkey to articles 9, paragraph 1, 15, paragraphs 2 and 4, and 16, paragraphs 1 (c), (d), (f) and (g). It is also concerned with the prolonged discussions surrounding and the resistance to the reform of the Civil Code, although it appreciates that efforts have been made in this context by the General Directorate, women members of Parliament and the Ministry of Justice. The Committee urges the State party to facilitate and hasten this process so that the Law on Citizenship, the Civil

Code and the Criminal and Penal Codes can be brought into conformity with the articles of the Convention.

25. While welcoming the fact that the Under-Secretariat for Women's Affairs and Family Services is acting in close cooperation with the State Ministry, the Committee expresses its concern that continuing coordination has not been established between these two bodies, and, further, that there are no corresponding bodies at regional and local levels.

26. The Committee is concerned at the lack of an integrated and systematic approach by the national machinery to all areas covered by the Convention, in particular with regard to women in rural areas, vulnerable groups such as ethnic minorities, young women and women in prisons.

27. The Committee is concerned at the absence, in the Constitution or in other legislation, of a specific provision to guarantee the equality of women and men, as required in article 2, paragraph (a) of the Convention.

28. The Committee is concerned that Turkey has not utilized article 4 of the Convention in the fields of labour, education or health. Measures allowed by article 4 could benefit many women and eliminate much existing discrimination.

29. The Committee noted with deep concern that various provisions of the Penal Code are in contradiction to the articles of the Convention. It notes, in particular, the differentiation between rape of minors, majors and rape that violates virginity, as well as article 433 (on abduction of single or married women) and articles 440 and 441 (on adultery) of the Penal Code. These provisions are in flagrant contradiction of article 2, paragraph (a), of the Convention.

30. The Committee is concerned about the provisions of the Penal Code that allow less rigorous sanctions or penalties for "honour killings". This concept contravenes the principle of respect for human life and the security of all persons, which is protected by all the international human rights laws.

31. The Committee expresses concern at information provided in the Government's replies, and corroborated by independent information, that the Kurds are not recognized as a legal minority. This contravenes the spirit of the Convention and article 20 of the International Covenant on Civil and Political Rights, which has been ratified by Turkey. The Committee deeply regrets that no special temporary measures have been put in place to redress the situation of Kurdish women, who suffer double discrimination.

32. The Committee is alarmed by the widespread violence, in all its forms, perpetrated against women and girls and the inadequacy of legal and educational measures to combat this violence. The Committee is concerned that both its general recommendation No. 19 on violence against women[1] and the Declaration on the Elimination of Violence against Women[2] have not been taken into consideration. The law which categorizes violence as "crime against public decency and public order" contradicts the spirit of the Convention and contravenes the dignity of the person.

33. The Committee is particularly concerned that no juridical or educational measures have been undertaken by the State in pursuance of article 5, paragraph (a), in the context of violence within the family.

34. The Committee is concerned that sufficient appropriate measures have not yet been taken to prevent and combat the acceptance of male dominance and violence against women in rural as well as in urban areas, to beat women and to require silent obedience from them. Equally, there is a lack of concrete measures to prevent the high number of suicides among women victims of violence.

35. The Committee considers that it is urgent, as a preventive measure, to change the gender selective approach in the law; to develop educational courses to empower women; to educate police personnel; to introduce gender sensitive courses for judges, public prosecutors and lawyers; to increase the number of shelters for battered women with children; and to mobilize the media to introduce regular programmes on the negative consequences of violence.

36. The Committee is concerned that no special measures exist to protect women in prostitution from exploitation and violence or to ensure them regular access to health, training and employment opportunities and rehabilitation programmes. The Committee also expresses its disapproval at the existence of brothels regulated by law and the lack of information and statistical data about the phenomenon.

37. The Committee is concerned that the Turkish political parties, trade unions and other public institutions are not sufficiently sensitive to the importance of the implementation of article 7 of the Convention and the need for representation in decision-making bodies, including Parliament and the Government, where the number of women is still very low.

38. The Committee is concerned about the Turkish Citizenship Law, which provides that a Turkish woman who decides to assume the nationality of her foreign husband will lose her Turkish nationality.

39. The Committee likewise expressed its concern at the high level of illiteracy among women and girls, especially in the rural areas, the drop-out rates of girls in schools owing to family practices, early marriages and the prioritization of boys in school enrolment and other gender discriminatory practices in education. The clustering of women in higher education in areas regarded as "suitable for women" was also noted by the Committee.

40. The Committee considered with concern the very low minimum age for employment, which contravenes relevant ILO Conventions. The high level of unemployment of migrant urban female workers, the lack of measures to integrate them in the labour markets and the persistent occupational segregation in lower paid jobs impedes their upward mobility and further reinforces discrimination against women in the labour market.

41. The Committee expressed its concern over the limited access of women to microcredit facilities, which are an important tool to promote women's entrepreneurship.

42. The Committee is also concerned about the exclusion of married and single women from the Social Pension Fund, which deprives them of social protection.

43. The lack of legal literacy programmes to raise the awareness of rural women regarding their rights is also a matter of concern.

44. The Committee is particularly concerned at the high number of women in rural areas working in family enterprises whose work is not recognized, thereby excluding them from social security benefits, health services, including family planning services, and educational and legal literacy programmes.

Suggestions and recommendations

45. The Committee requests the Government of Turkey to take steps to address the aforementioned principal subjects of concern and to reflect progress made in their next periodic report.

46. The Committee invites the Government to review the Civil Code, particularly with regard to family law, with a view to removing the reservations to the Convention. It also suggested that the related provisions of the Penal Code be revised in order to ensure women the full protection of the law on equal terms with men.

47. As the education of children remains primarily the responsibility of women, information and training efforts are needed to support women in breaking the perpetuation of social behaviour patterns detrimental to their well-being, and to create greater awareness of their rights, opportunities and obligations as citizens.

48. Violence against women, especially domestic violence, appears to be pervasive, and systematic and serious efforts are required to address this problem, at the legislative level and through practical measures such as a comprehensive awareness-raising and education campaign for the public in general, and in particular for law enforcement agencies such as the police, lawyers and judges. More specifically, as to the Criminal (Penal) Code, comprehensive legislation is necessary to prevent and punish violence against women in the family sphere as well as the public sphere.

49. The practice of so-called "honour killings", based on customs and traditions, is a violation of the right to life and security of persons, and therefore needs to be appropriately addressed under the law. The Government is also invited to critically review the practice of virginity examinations in cases of alleged rape; likewise, it is invited to investigate whether coerced virginity examinations have been carried out on women for reasons other than for investigation of sexual attacks or abuses.

50. A particular effort should be undertaken to mobilize the media in support of advancing the status and the rights of women, including through non-sexist and non-stereotypical portrayal of women in the media and through efforts to increase the number of women in the media, particularly in decision-making positions.

51. The situation of minority women needs to be monitored urgently, and a systematic effort is necessary to ensure their equal access to opportunities.

52. Consideration should be given to institutionalizing affirmative action programmes in accordance with article 4, paragraph 1, of the Convention, in particular in decision-making areas in the public sector, to hasten and increase the participation of women in such positions.

53. Consideration should be given to the revision of the correspondent provisions of the Citizenship Law in order to give women equal rights in terms of nationality.

54. Continuing support should be given to female students in order to increase the rate of female university graduates and their participation in "non-traditional" fields.

55. The Committee urges the Government of Turkey to take adequate measures to provide skills training, retraining and credit facilities or other support services that would provide employment opportunities or self-employment for urban migrant workers, to correct occupational segregation through concrete measures and to provide the necessary protection to working girls to ensure their safety and healthy conditions of work.

56. Concrete training programmes will also be necessary aimed at increasing opportunities for women to avail themselves of microcredit programmes.

57. Immediate measures should be taken to extend social pensions to all women, regardless of their marital status, particularly in the rural areas, and to develop training programmes, with the collaboration of non-governmental organizations, that will disseminate information to rural women on their rights.

58. The Committee requests the compilation of current data and statistics on family planning methods, the use of such methods by men and women, and access to contraception disaggregated by age and sex.

59. The Committee considers that the requirement of spousal consent to abortion needs to be reviewed.

Notes

[1] See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 38 (A/47/38), chap. I.

[2] General Assembly resolution 48/104.

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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Sixteenth session
13-31 January 1997

ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS SIXTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora Javate DE DIOS (Philippines)

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

4. Third periodic report

Venezuela

1. The Committee considered the third periodic report of Venezuela (CEDAW/C/VEN/3) at its 323rd and 324th meetings, on 22 January 1997 (see CEDAW/C/SR.323 and CEDAW/C/SR.324).

2. The representative of Venezuela explained that the third periodic report described implementation of the Convention from 1989 to 1995. It had been prepared after the Government had been formed in 1994.

3. The representative emphasized that the third periodic report outlined the progress achieved by women in implementing the Convention during the period indicated. However, she stressed that the report did not include the Ninth National Plan drawn up by the Government. That Plan guaranteed equal opportunities for women and men in all areas of public life, as well as the

integration of a gender perspective, and sought the full realization of the goal of genuine democracy.

4. The representative stated that the process of preparing the report had provided the Government of Venezuela with the opportunity to assess the progress achieved in the implementation of the Convention. She also acknowledged the role of the Committee in the follow-up to the implementation of the Beijing Platform for Action, and expressed the hope that the critical views expressed by the Committee would improve the Government's work.

5. The representative made clear that Venezuela, as well as the rest of Latin America, was experiencing social, political, economic and cultural transformations that were having a tremendous impact on society, particularly on women, who had seen their incomes and traditional sources of support reduced and their responsibilities expanded. However, she pointed out that the economic and political crisis of the 1980s and part of the 1990s had forced women to demand greater participation in society and the State. It was in that context that demands for "participative representation" were being made by new players, especially women.

6. The representative stressed that Venezuela had one of the highest rates of population growth in Latin America. She said that the country was affected by the end of the revenue-based model, which was causing inflation and affecting the living conditions of the population, especially women heads of household. She said that the "Plan Venezuela" had been put in place to alleviate, in the short term, the impact of structural adjustment programmes on the most vulnerable sectors of the population.

7. The representative provided a review of the major achievements with respect to equality between women and men. She described various legislative amendments, in particular the Sexual and Domestic Violence Bill, the amendments to the Civil Code concerning equality of rights and responsibilities between spouses in marriage, the principle of solidarity and sharing of responsibilities within the family, and the right for teenage mothers to remain in school. In addition, she indicated that the National Women's Council was the machinery that monitored the implementation of the legal reforms and the strategies agreed to in the Beijing Platform for Action.

8. The representative made clear that, in spite of the progress indicated, insufficient emphasis was being given to women's access to training and literacy and to programmes for the empowerment of women, and that persistent stereotypes, often found in educational texts and cultural attitudes, remained obstacles to the advancement of women. She also informed the Committee that among the remaining inequalities, economic ones persisted against women, particularly in the labour force, where their position and remuneration had placed them at a lower level than men. In addition, women were still marginalized in terms of resources, and their political participation was quite limited owing to the resistance to quotas of political parties.

9. The representative emphasized actions to be taken in the short term, including amendments to the Equal Opportunities for Women Act, which were expected to lead to the establishment of the independent Women's Institute.

10. The representative regretted that the Committee's procedures for periodic reports, which allowed only a short time for Governments to respond to written questions, did not enable Governments to provide deep analysis and appropriate replies. She concluded by emphasizing that a State party should not be subjected to undue pressures as a result of Committee procedures.

Introduction

11. Venezuela had presented a report covering the period from 1989 to 1995. The Committee expressed appreciation to the representative of Venezuela for the frankness with which she had described the social, economic and political situation of women in her country and the way in which her Government had tried to implement the Convention.

12. Unfortunately, the report had not been prepared according to the Committee's guidelines and had not provided statistics on problems related to each article of the Convention. Nor did it contain a detailed, factual description of the policies and programmes being carried out and their success in meeting the de facto needs of Venezuelan women with a view to complying with the Convention.

13. Nevertheless, the report contained a large amount of data on the de jure situation of women in Venezuela; that information had been taken up again and, in some cases, expanded upon in the oral presentation. The Committee thanked the representative for answering most of the 74 questions put to the Government and noted with understanding the representative's statement that lack of time had made it difficult to provide the Committee with more detailed answers or with updated statistics.

Factors and difficulties affecting the implementation of the Convention

14. The most serious obstacle to implementing the Convention in Venezuela was clearly the poverty facing a large percentage of the population (77 per cent of the urban population and 75 per cent of the rural population were living in poverty). That problem had been exacerbated by the fact that 83.99 per cent of the population had moved to urban areas, leaving only 16.01 per cent in the countryside. Among the population aged 25 to 44 years, the percentage of women migrants was greater than that of men.

15. Another serious problem was what was referred to as the "exhaustion of the revenue-based development model of the Venezuelan economy", which had forced the Government to take economic measures to control inflation and balance the budget, at the cost of social investment. The severe restrictions placed on social spending had primarily affected the most vulnerable population groups, including women, leading to the so-called "feminization of poverty".

16. The country had been unable to revitalize and balance its economy, although it had implemented the so-called "Plan to combat poverty" in an attempt to mitigate the social costs of adjustment. The plan had not been very successful, as the report indicated.

17. The economic situation was exacerbated by the persistence of entrenched patriarchal patterns and of stereotypes and prejudices against women in people's social attitudes. Such patterns and attitudes were reinforced by a set of laws that had thus far resisted amendment (for instance, a proposal for amending the Penal Code had been under consideration since 1985), despite considerable efforts on the part of various governmental bodies and non-governmental organizations.

18. Another obstacle to the implementation of the Convention was the lack of continuity in State policies and programmes for women, which meant that concepts, methods and mechanisms for solving problems and implementing the Convention coherently and systematically kept changing.

19. A further problem was that it was difficult to secure passage, by the legislative branch, of legislative proposals for combating discrimination against women.

20. The national machinery for implementing the Convention, the National Women's Council, did not seem to have the resources, decision-making powers and necessary influence successfully to introduce a gender perspective in the various government bodies.

Positive aspects

21. The Committee welcomed the Penal Code Reform Bill and the Sexual and Domestic Violence Bill.

22. The Committee viewed as very positive the Equal Opportunities for Women Act, under which an Independent Women's Institute and a National Office for the Defence of Women's Rights were to be established.

23. The incorporation of a gender perspective in the Eighth National Plan and the preparation of a national programme for women with that perspective were important achievements.

24. The promulgation of legislation guaranteeing that pregnant teenagers could complete their education and could not be withdrawn from school because of their pregnancy was a great success.

25. The cooperation initiated by the National Women's Council with non-governmental organizations and the creation of seven national women's networks were extremely positive steps.

Principal subjects of concern

26. In addition to the poverty in which Venezuela's population was living, the Committee was extremely concerned at the absence of any practical plans at the grass-roots level for putting forward women's demands, and at the fact that it was difficult to secure passage of legislative proposals for meeting women's needs.

27. The Committee was also concerned that the country had not made much real progress in implementing the Convention and that, despite its efforts, it had yet to respond effectively to problems such as domestic violence, prostitution, early pregnancy, female illiteracy, discrimination in the workplace in terms of how much women were paid, the high percentage of women receiving less than the minimum wage, the elimination of stereotypes, and the changes that needed to be made in the country's legal system, which reinforced existing stereotypes.

28. The Government had also failed to set up a national programme for implementing the strategies set forth in the Platform for Action adopted at the Fourth World Conference on Women, held in Beijing in September 1995 - even strategies in such urgent priority areas as poverty eradication.

29. Another area of concern was the reduction in health budgets, the rise in the maternal mortality rate, the lack of and limited access to family planning programmes (especially for teenagers), the lack of statistics on AIDS, and women's limited access to public health services. In addition, legislation that criminalized abortion, even in cases of incest or rape, remained in force.

30. The Committee was concerned that employment opportunities for women had been lost as a result of cutbacks in the State employment sector, especially since that was forcing women into the informal economy and into low-paid service jobs.

31. The Committee was also deeply concerned at the fact that the State had increased social spending not in order to develop social programmes but in order to raise the wages of State employees.

32. It was a source of great concern that, although Venezuela had ratified the Convention without reservations, there was continuing discrimination against women in the area of citizenship rights: upon marriage, a Venezuelan man had the right to confer his nationality upon his spouse, while a Venezuelan woman did not, a situation that violated article 9 of the Convention.

Suggestions and recommendations

33. The Committee especially recommended the implementation of effective programmes for combating poverty, which affected women in particular.

34. The Committee said that it would welcome early adoption of the amendments to the Penal Code and of the Sexual and Domestic Violence Bill, and the repeal of the article of the Civil Code concerning citizenship rights that conflicted with the Convention.

35. The Committee recommended that Venezuela fulfil the commitments which it had made in adopting the Beijing Platform.

36. The Committee suggested that policies and programmes should be undertaken to halt the rise in the maternal mortality rate and that family planning programmes for teenagers should be developed.

37. The Committee suggested that the Government should work for early approval of the establishment of the Independent Women's Institute and the National Office for the Defence of Women's Rights.

38. The Committee recommended that the Government undertake broad-based programmes, through the mass media and other possible channels, to combat gender stereotypes, paying particular attention to removing obstacles of that kind which resulted in women being paid 25 per cent less than men for their work, despite the protection afforded by labour law, which recognized the principle of "equal pay for equal work".

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IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

4. Third periodic report

Denmark

1. The Committee considered the third periodic report of Denmark (CEDAW/C/DEN/3) at its 328th and 329th meetings, on 24 January 1997.

2. In her introductory statement, the representative noted that the report had been prepared in a participatory way and included the comments of various women's organizations in Denmark. To further strengthen the outreach of the Committee on the Elimination of Discrimination against Women, both the Convention and the report had been translated into Danish and published by women's organizations.

3. The representative pointed out that much had been accomplished in terms of improving the status of women in Denmark, but the success went beyond the provision of legal rights. More importantly, Danish society had also started to change its attitude towards women. An understanding of the concept of gender,

including the roles of both men and women, had gained ground. Denmark had focused its efforts on changing attitudes towards women and gender roles in Danish society. In the follow-up to the Beijing Platform for Action, Denmark had focused on mainstreaming gender issues in all levels of society.

4. The representative informed the Committee about recent efforts to strengthen the institutional framework for the advancement of women that had not been reflected in the report. An ad hoc committee had been established to develop new ideas and strategies to improve national machinery and to consult equality institutions in other countries. Furthermore, the Government of Denmark had increased its support to the Equal Status Council in terms of personnel and funding.

5. The representative highlighted some recent changes in legislation designed further to advance the status of women. For example, Danish counties were now obliged to report back to the national Government on equality issues in employment in their region, and a proposal would be discussed in Parliament concerning women's right to join the army on conditions almost equal to men.

6. The representative described the special efforts undertaken by Denmark to encourage fathers to share parental responsibility for the raising of children. The legal framework provided unmarried couples with the possibility of sharing custody and granted both parents the right to parental leave. The representative also pointed out that those measures had to be accompanied by programmes designed to motivate men to really use the parental leave schemes. Therefore, the Minister of Employment was exploring new models to encourage fathers to make use of their newly acquired rights.

Concluding comments

Introduction

7. The Committee expressed appreciation for the clear and well-organized third periodic report of Denmark, which closely followed the Committee's guidelines.

8. The Committee was pleased to note that the report and Denmark's answers to the questions of the Committee's pre-session working group provided relevant and up-to-date statistics. This allowed the Committee to discern the evolution of conditions in relation to the majority of the articles of the Convention.

9. The Committee also commended the Government of Denmark for including comments of non-governmental organizations in its report, and evaluated this practice as a positive innovation.

Positive aspects

10. Denmark's commitment to high standards of gender equality and its consistent efforts to create an egalitarian society with respect to gender were regarded by the Committee as exemplary.

11. The Committee was aware of the legal measures by Denmark and the statistics on different aspects of gender equality in Denmark reflected constant

improvement over time. In that regard, the institutionalized participation of women's non-governmental organizations in the politics of equality and mainstreaming of gender equality through the creation of Equality Commissions in a majority of Ministries in Denmark were noted as major achievements.

12. The Committee appreciated the Government's holistic approach to the implementation of the Convention and was pleased to note that conscientious efforts were already under way for the implementation of the Beijing Platform for Action.

13. The Committee was also pleased to learn that provisions concerning persecution on the basis of gender had been incorporated into the laws on the status of refugees in Denmark.

Principal subjects of concern

14. The Committee noted with concern a tendency to de-emphasize affirmative action politics and to operate with gender-blind criteria, although de facto equality in many aspects of public life was far from being achieved. Academic and research positions, as well as high-level managerial posts in the public and especially in the private sectors, reflect disproportionately low levels of women's participation. In that regard, the Committee noted with special concern such signs of a "backlash" as the removal of quotas by political parties.

15. The absence of special measures and programmes for immigrant and refugee women to enable them to benefit from legal and social services available in Denmark was noted as an area of concern by the Committee.

16. The absence of a specific law on violence against women was noted as a principal deficiency. The Committee was concerned about the real incidence of violence, rape and incest and the absence of specific legislation and/or measures to sensitize the police, the judiciary or the public in general regarding those issues.

17. The Committee noted with concern that stereotypical gender role perceptions continued to exist in society and were related to the perseverance of attitudes and behaviour that kept women away from decision-making positions and men from assuming an equal share of family responsibilities.

18. The fact that women, despite their high level of education, are more seriously affected by unemployment than men was noted with concern by the Committee. The existence of a serious gender-based salary gap, as well as the lack of assessment for equal pay for work of equal value, were also acknowledged as matters of concern.

Suggestions and recommendations

19. Affirmative-action measures should be maintained and strengthened, particularly in the areas of reducing unemployment among women; ensuring that women and men receive equal pay for work of equal value; increasing women's participation in private-sector decision-making; increasing the number of female

university professors and researchers; and encouraging men to devote more time to child care and housework.

20. Each affirmative-action initiative should include quantitative targets, time limits for their achievement, specific measures and sufficient budgetary resources.

21. In particular, more efforts should be made to determine whether trafficking in women and exploitation of prostitution are taking place and whether new communications technologies, especially the Internet, are being used for such purposes.

22. More in-depth research should be conducted on the incidence of various forms of violence against women, especially in more vulnerable groups such as immigrant women, and the findings should be included in the next report.

23. The Government should consider adopting a specific law to combat all forms of violence against women, taking into account General Recommendation No. 19 of the Committee.

24. The "Gender and culture" course, which is currently optional in pre-university curricula, should be made mandatory in secondary education.

25. In accordance with the Beijing Platform for Action, it is recommended that the value of non-remunerated work done by both women and men should be included in national accounts, through satellite accounts.

26. It is recommended that Denmark's development assistance should include among its objectives the implementation (or ratification, where applicable) of the Convention on the Elimination of All Forms of Discrimination against Women in the beneficiary countries.

27. Moreover, the Committee asks that the next report include information on:

(a) Implementation of the Beijing Platform for Action and of the commitments announced by Denmark at the Fourth World Conference on Women;

(b) The number of women and men who work: (i) part-time; (ii) on a flexible schedule; (iii) outside the workplace, using new technologies;

(c) The steps taken by trade unions and business organizations to implement the principle of equal pay for work of equal value;

(d) The use, in cases of abortion, of the RU-486 pill;

(e) The number of women who use medically assisted reproduction techniques and the number of children adopted;

(f) Disabled women, especially in terms of their access to education and employment.

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The Government's commitment was also reflected in the secured funding within the national budget for the purpose of improving women's lives. The Committee was further informed that considerable improvements have been made in the fields of women's health and education.

3. At the same time, the representative of the Philippines acknowledged that, although much progress had been achieved since the consideration of the State party's second report, there was still more to be done before the Convention was fully implemented in the country. She also noted the lack of an effective mechanism to monitor the implementation of the Convention. She described the major challenge posed by the Government's decentralization policy to the achievement of the effective implementation of the Convention.

4. The representative noted that, in spite of the rapid economic recovery, women in the Philippines had suffered disproportionately from poverty, thus contributing to the continued feminization of overseas employment. Rural women have been particularly affected, and this has led to the migration of a large number of rural women to urban areas as well as overseas. She reported that this has been a major concern of the Government of the Philippines and it had set up, inter alia, monitoring centres, counselling services, specific support programmes, as well as providing welfare assistance. The Committee was informed that most women migrant workers were employed as entertainers and domestic helpers. These jobs often put them in a very vulnerable position and exposed them to risks of violent abuse. In this respect, the representative recognized that further efforts were required to establish more effective systems to allow the particular needs and problems of women migrant workers to be addressed.

5. The representative alerted the Committee to the increasing incidence of crimes of violence against women. Various measures had been taken by the Government to combat this, reflecting the Committee's General Recommendation No. 19. The Committee was informed that various support systems had been set up, including women's shelter homes and a 24-hour helpline. Several bills had also been tabled, for example on rape and domestic violence, as a result of the lobbying of NGOs. However, it remained to be seen whether they could be effectively implemented. The Government was aware that the prevailing gender-stereotyped images had to be eliminated and that a public awareness-raising campaign needed to be organized in this regard.

6. The Committee was further informed that prostitution was illegal in the Philippines. However, the representative noted that there had been changes in public opinion on this subject, and much debate had been taking place in the country in relation to the issue.

7. The representative of the Philippines concluded her presentation by assuring the Committee of her Government's commitment to advancing the status of women.

Concluding comments

Introduction

8. The Committee welcomed the good presentation by the Government of the Philippines, and commended it in particular on the high quality of its fourth periodic report, which contained detailed information on the implementation of the Convention in accordance with the committee's guidelines. The report gave a comprehensive overview of legal and administrative measures taken by the Philippines Government, and the analysis indicated a good understanding of the obstacles to the advancement of women. At the same time, it lacked factual information, including statistics, on the actual effect of government programmes and policies. The Committee applauded the initiative of the Government to collaborate with NGOs in preparing the report. The Committee was particularly pleased with the frank and sincere approach of the national machinery in identifying the major obstacles to the elimination of discrimination against women.

Factors and difficulties affecting the implementation of the Convention

9. The Committee noted with concern the absence of monitoring mechanisms and indicators to measure the effect of government policies and programmes, and the impact of laws and administrative directives and regulations.

10. The Committee noted the apparent gap between such an awareness and the effects of certain government policies, in particular in the economic field with respect to privatization, free trade zones, rural development and the export of labour, which have a disproportionate impact on women.

11. The Committee expressed its concern with respect to the trend towards decentralization of government and the transfer of powers to local decision-makers who are often not gender-sensitized, and emphasized the need for capacity-building and awareness-raising of those responsible for implementing policies.

Positive aspects

12. The Committee welcomed the adoption by the Government of the Philippine Plan for Gender-responsive Development, 1995-2025, and also the priority policy imperatives set by the national machinery for women to implement the Beijing Platform for Action and to mainstream gender and development throughout government.

13. The Committee commended the decision to allocate a given percentage of all governmental budgets to women-specific programmes and projects, and encouraged an increase in the apportioned percentage.

14. The Committee noted with satisfaction several measures taken between the third and fourth periodic reports, such as credit assistance to women, legislation prohibiting sexual harassment, raising the minimum wage for domestic workers and increasing maternity and paternity benefits for employed persons.

15. The Committee applauded the report on an initial consultation to measure women's unremunerated work within a satellite account to the national economic system.

16. The Committee also highly commended the increase in the number of women's NGOs working at the grass-roots level and their significant contribution to the advancement of women, which was reflected in the reports of the State party.

17. The Committee expressed its deep admiration for the exceptionally high level of literacy (93 per cent) among Filipino women.

Principal subjects of concern

18. The Committee expressed its grave concern about the economic reforms which had resulted in a positive growth in the gross national product (GNP), on the one hand but in an increasing gap in the rates of employment of women and men and the economic marginalization of women on the other. Such damage, even if short-term, will be increasingly hard to rectify. It appears that, for lack of economic livelihood, rural women migrate to urban areas where unemployment is higher than ever, and this might account for the large number of sex workers in illegal prostitution and for the high proportion of women migrating as overseas contract workers.

19. The Committee commented on the discriminatory application of the laws against prostitution which are enforced against sex workers and not the men involved as traffickers, pimps and clients, and noted further that forced medical examinations of the women without similar attention to the male clients is not effective as a public health measure.

20. The Committee expressed its deep concern about deficiencies in the legal system with regard to violence against women, in view of the fact that incest and domestic violence are not specifically penalized by law and are surrounded by silence.

21. The Committee regretted the decentralization of population and development services from the national to the local government units, which had apparently resulted in the prohibition of contraceptives in one of the provinces, in contravention of the Convention (articles 12 and 16 (e)).

22. The Committee noted further with concern that despite the increased participation of women in decision-making in the public sphere especially in NGOs, there was still a very low representation of women in politics, top levels of government, and the judiciary.

Suggestions and recommendations

23. The Committee urged the Government of the Philippines to adopt a top-priority policy of creating safe and protected jobs for women as a viable economic alternative to the current unemployment of women and their participation as subcontractors and in the informal sector, as workers in free trade zones or as in commercial sex, or as migrant overseas contract workers.

24. The Committee suggested that the Government re-examine its economic policy in the light of the alarming indicators that economic growth was occurring while women were being widely marginalized and exploited, on the one hand, and encouraged to leave their homes and families for overseas employment, on the other.

25. The Committee strongly recommended that the Government establish a special national focal point to provide information and support services to women before departure for overseas work, as well as in the receiving countries in cases of need.

26. The Committee suggested that appropriate measures for dealing with prostitution should focus on penalizing traffickers and creating alternative job opportunities for the women.

27. The Committee strongly urged the Government to enact appropriate legislation to combat violence against women and to compile the relevant data.

28. The Committee recommended that reproductive and sexual health services, including family planning and contraception, be made available and accessible to all women in all regions.

29. The Committee recommended that temporary special measures should be adopted to increase the participation of women in top-level decision-making positions in the public sector.

30. The Committee suggested a strong need for developing gender-disaggregated data in all areas.

31. In order to facilitate the implementation of the Convention, the Committee recommended that monitoring mechanisms and indicators be developed to measure the effect of government policies and programmes.

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Addendum

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PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

4. Third and fourth periodic report

Canada

1. The Committee considered the third and fourth periodic reports of Canada (CEDAW/C/CAN/3 and 4) at its 329th and 330th meetings, on 28 January 1997.

2. In introducing the report, the representative placed the implementation of the Convention and of the Platform for Action adopted at the Fourth World Conference on Women within the framework of the Canadian federal system. She noted that, in Canada, the federal and provincial/territorial governments shared legislative authority, and responsibility for areas such as education, health and social services was largely devolved to the provincial/territorial level. Canada's national machinery for the advancement of women was well established at the federal level, and women's bureaux or agencies existed at the level of all provincial/territorial governments.

3. Canada's approach to promoting gender equality was based on the recognition that gender factors influenced political, economic and social systems. As a consequence, all social policy must take into account the differential impact of policies on men and women. The national machinery provided gender analysis and policy advice to government entities to ensure that gender factors were fully incorporated in legislation, policies and programmes.

4. The representative stressed that her Government attached great importance to close cooperation with non-governmental organizations and civil society, as a crucial aspect of the advancement of women. Various efforts were undertaken to reflect the views of civil society in policy-making processes. Extensive networks existed with non-governmental organizations, and the Government provided funding to many women's organizations.

5. Noting that Canada faced new domestic and global socio-economic challenges, the representative underlined that Canada had taken decisive steps to provide women with an effective legal framework against discrimination. The Canadian Charter of Rights and Freedoms guaranteed equality before the law and under the law and the equal protection of the law to women and men. Any person could challenge legislation and practices of the federal or provincial/territorial governments if they perceived them to be discriminatory. The Charter provided protection against intentional discrimination as well as systemic discrimination and protected women against laws and practices that resulted inadvertently in unfair treatment of women. A special programme provided financial support for groups and individuals seeking the equality protection of the Charter. A recent amendment to the Canadian Human Rights Act granted protection against discrimination on the basis of sexual orientation.

6. The representative highlighted a number of recent efforts by her Government to advance women's equality in the economic and social fields. As women's employment and economic autonomy were considered to be key building blocks for women's equality, improvements were needed with regard to women's earnings and to deal with persistent occupational segregation. A number of recent legislative measures were intended to address those areas. Efforts were also under way to measure and valuate women's unpaid work in the household.

7. The elimination of systemic violence against women and children was another issue of high priority. Canada approached the problem in a comprehensive and holistic way, with particular attention to the underlying causes of such violence. A number of legislative initiatives were pending.

8. The representative pointed out that special assistance was provided to women who were multiply disadvantaged. A third area of recent initiatives by the Government. Canada recognized that women were not only disadvantaged because of gender but also because of ethnicity, disability or income. The situation of Aboriginal women required special attention, and recommendations contained in a recently completed study by the Royal Commission on Aboriginal People were expected to be influential in future policy-making in that field.

9. A fourth area was to ensure women's equal access to health care. Given rising health care costs in Canada, major changes in the Canadian health care system were expected to be implemented over the next decade. The preservation

of women's full access to quality health care would be an essential concern in that process.

10. In conclusion, the representative recognized that despite the progress made in many areas, a lot remained to be done. She assured the Committee of her Government's willingness to develop innovative solutions to the remaining problems, working closely with all parts of Canadian society.

Concluding comments of the Committee

Introduction

11. The Committee commends the Canadian Government for its third and fourth periodic reports and for the excellent and comprehensive replies to the numerous written questions prepared by the experts.

12. The Committee also appreciates the high-level delegation, which included provincial representatives.

13. The Committee found the format of the written reports broken down by provinces, difficult to analyse and evaluate. As a result, experts were unable to appreciate fully the gains and obstacles in implementing the Convention.

14. The Committee noted the leading role of Canada in promoting gender equality at the international level through its development cooperation programmes on gender mainstreaming and violence against women.

15. The Committee also noted that while in the report there was a comprehensive review of law and jurisprudence on human rights affecting women, the information provided did not adequately explain the impact on women in general.

Factors and difficulties affecting the implementation of the Convention

16. The restructuring of the economy, a phenomenon occurring in Canada and other highly industrialized countries, appears to have had a disproportionate impact on women. Although the Government has introduced many measures designed to improve the status of women, the restructuring is seriously threatening to erode the significant gains and advances made by Canadian women. Given the Government's proud record of leadership in women's issues globally, these developments will not only have an impact on Canadian women, but will also be felt by women in other countries.

Positive aspects

17. The Committee commends the high degree of importance attached to the promotion and implementation of human rights in Canada emphasized by its Charter of Rights and Freedoms as well as its ratification of international human rights instruments, including the Convention.

18. The Committee noted that Canada has, by its landmark decision making gender-based violence a basis for granting asylum to women, once again led the way.

19. The Committee notes with appreciation the introduction of the Federal Plan for Gender Equality, which is Canada's framework and blueprint for implementing the Beijing Platform for Action.

20. The Committee welcomes Canada's emphasis on the participation of civil society in promoting gender equality and in providing mechanisms for cooperation and dialogue, in particular with non-governmental organizations. The annual consultation on violence against women conducted by the Minister of Justice in cooperation with the Council on the Status of Women is particularly commendable.

21. The Committee also notes with satisfaction that Canada continues to strengthen and refine its gender mainstreaming efforts at all levels.

Principal areas of concern

22. While many measures, including laws, are in place to address violence against women, the incidence of violence against women is not diminishing, but has in fact increased in some areas.

23. The Committee is concerned about the rising teenage pregnancy rate, with its negative impact on health and education and the resulting increase in poverty and dependency.

24. The Committee expressed its concern about the trend towards the privatization of health care programmes, which can seriously affect the accessibility and quality of services available to Canadian women, especially the most vulnerable and disadvantaged.

25. The Committee is concerned that there appears to be little understanding about the impact that economic and structural changes, including those arising from regional and international economic arrangements, can have on women in general and disadvantaged women in particular.

26. The Committee is concerned about the deepening poverty among women, aggravated by withdrawal, modification or weakening of social assistance programmes.

27. The Committee is concerned that despite the positive steps taken to implement the Federal Employment Equity Act in the public sector, it is still too limited to have a real impact on women's economic position and suffers from weak enforcement.

28. The Committee is concerned that programmes directed at aboriginal women may in fact prove discriminatory.

29. The Committee also expressed its concern that current budget cutbacks were affecting the continuity of services in women's crisis centres.

Suggestions and recommendations

30. The alarming levels of violence against Canadian women in general and sexually exploited women and girls, prostitutes and women victims of trafficking

in particular, requires urgent action. Measures to combat violence against women need to be continuously monitored and evaluated for their impact on long-term behaviours and attitudes.

31. Information on the valuation and qualification of women's unpaid work, including domestic work, should be provided in future reports.

32. Methodologies to assess progress made in closing the gap in pay between men and women and in ensuring equal pay for work of equal value should be developed.

33. The Federal Plan for Gender Equality should have a specific time-frame, benchmark and measurable goals to monitor implementation and the specific resource allocation required.

34. A comprehensive picture of the situation of aboriginal women should be provided, including their position in the labour force, their educational situation and a description and evaluation of past and present federal and provincial programmes for aboriginal women. The plight of aboriginal women in prison is of urgent concern.

35. The impact of economic changes on women's employment should be documented.

36. Future reports should integrate federal and provincial information in an article-by-article evaluation of the Government's compliance with the Convention.

37. The Committee recommends that social assistance programmes directed at women be restored to an adequate level.

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13-31 January 1997

ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS SIXTEENTH SESSION

Draft report

Rapporteur: Ms. Aurora Javate DE DIOS (Philippines)

Addendum

VI. IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION

B. Statements by senior United Nations officials

Executive Director of the United Nations Population Fund

1. At the 314th meeting, on 15 January 1997, the Executive Director of the United Nations Population Fund (UNFPA) addressed the Committee, observing that the work of the Committee had been ground-breaking, notably in the context of women's health, and in particular of women's reproductive health. The guarantee of reproductive rights was indispensable in achieving gender equality and the improvement of women and those goals were essential conditions for achieving sustainable development.

2. She indicated that UNFPA had been honoured to sponsor, together with the Division for the Advancement of Women and the United Nations High Commissioner for Human Rights, the recent round table of human rights treaty bodies on human rights approaches to women's reproductive and sexual health and rights, and acknowledged the important role played by the Committee in that initiative. The round table, which was the first occasion at which experts from all six human rights bodies as well as representatives of United Nations agencies and of NGOs had been brought together to address a thematic issue, made a number of recommendations, in one which it called upon treaty bodies, United Nations

agencies, NGOs and others to strengthen their working relationships so as to foster a gender-integrated human rights perspective in their respective programmes. The Executive Director made clear that UNFPA had already sought to implement a number of the recommendations of the round table and had met with the Division and the Commissioner to discuss follow-up actions.

3. She also expressed the view that the human rights treaty process was critical in creating an international standard that transcended culture, traditions and societal norms. Although the latter were important forces binding societies together, they should not be used to force women into a subordinate role, damage their health and minimize their contributions to family, the community and their countries.

Executive Director of the United Nations Children's Fund

4. Also at the 314th meeting, the Committee heard an address by the Executive Director of the United Nations Children's Fund (UNICEF). She indicated that 1996 had seen progress towards a close relationship between the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child and noted that the UNICEF Executive Board had designated the rights of children and women as one of the three areas for follow-up of the Fourth World Conference on Women. She emphasized the importance of the first joint meeting of the two committees held at Cairo from 16 to 25 November 1996, and described the several subsequent follow-up meetings to that meeting. She also observed that, under UNICEF's Mission Statement, the organization was guided by the Convention on the Rights of the Child and was committed to the principle of non-discrimination and the equal rights of women and girls.

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Draft report

Rapporteur: Ms. Aurora Javate DE DIOS (Philippines)

Addendum

IV. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

B. Consideration of reports

5. Report submitted on an exceptional basis

Zaire

1. At its 417th meeting, on 16 January 1997, the Committee considered an oral report, presented on an extraordinary basis by the representative of Zaire.

2. The representative stated that Zaire had been shaken by crises, but had been able, with the assistance of the United Nations Development Programme and the United Nations Children's Fund, to prepare a supplementary report for the Committee. She expressed her gratitude to the Committee for allowing her to make the oral presentation and also thanked the Division for the Advancement of Women for its assistance in the matter. She reported that after the Fourth World Conference on Women, an international forum on the rights and leadership of women, held under the auspices of the Public Health Ministry, had re-evaluated Zaire's first report, submitted to the Secretary-General in 1991.

3. The representative informed the Committee that Zaire was a central African country of 2 million hectares and that its population included 22 million women.

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Historically, women in Zaire were respected, but their status was secondary to that of men, and they were subject to various food and behaviour prohibitions. Public life was closed to women in the past, but during the colonial period, girls and women were granted access to schools, although there was no vigorous action to encourage their attendance.

4. Independence was marked by civil wars, but the political will to ensure women's societal and public participation was also apparent. The post-colonial Constitution thus safeguarded the right to equality, and women were made aware of their important role in society.

5. The representative noted that Zaire subscribed to all General Assembly resolutions relating to the advancement of women and, following a presidential decree concerning discrimination against women, it had established national machinery for the advancement of women with focal points in all ministries. A national committee for women, including non-governmental organizations, which were a crucial force in Zaire, as well as government representatives, had been established, as had a human rights bureau.

6. The representative indicated that the national machinery was not a governmental ministry, but a bureau, and the budget for women was currently low. She described the various areas in which women experienced discrimination on the basis of sex. Although a Zairian woman would not lose her citizenship upon marriage to a foreigner unless she chose to, a woman needed her husband's consent to acquire a passport. The minimum age for marriage was 15 years for women and 18 years for men, and marriage was voluntary and governed by free choice of partner. Both spouses had equal rights and responsibility with respect to their children, but the husband was the head of the household and had full authority over his wife in contractual matters and travel, for example.

7. Women were entitled to vote and had the same rights as men to participate in public life. However, few women belonged to political parties and even fewer were to be found in high office in public life. Education was a right for all children, and only 14 per cent of girls were not at school or attending functional literacy programmes.

8. The representative indicated that there was a high level of disease in Zaire, including sexually transmitted diseases, and HIV/AIDS was pandemic.

9. The representative reported that the Government of Zaire had been restructured on 13 January 1997, and a Military Justice Ministry had been established. At the same time, a body had been established to hear grievances and complaints about the military from citizens, and six officers had already appeared before tribunals. It was made clear that eastern Zaire was in a state of rebellion, and as many as 600,000 Zairians, predominantly women and children, were displaced within Zaire. At the same time, Zaire was host to a significant number of refugees from Rwanda and Burundi. Many persons, including women and children, both Zairians and refugees, had fallen victim to violence, including murder, rape and other abuses.

Concluding comments of the Committee

Introduction

10. The Committee thanked the State party for its report presented on an exceptional basis in order to give an account of the situation of Zairian women, which had been aggravated by a particularly difficult socio-political context in recent years.

11. It noted with satisfaction the efforts made by the Government to discharge its obligations under the Convention on the Elimination of All Forms of Discrimination against Women, despite the armed conflicts taking place in the country.

Positive aspects

12. The Committee welcomed the steps taken by the Government to promote and protect women's rights. In this connection, it noted with satisfaction the legislative measures and reforms designed to promote the enjoyment and exercise of women's rights on the basis of equality between the sexes.

Principal subjects of concern

13. The Committee noted with concern that there had been no substantial improvement in the overall situation of women in Zairian territory, despite the ratification of the Convention in November 1986.

14. The Committee regretted that the oral report by the State party had not sufficiently reflected the close link that exists between discrimination against women, gender-based violence and violation of the rights and fundamental freedoms of women.

15. It wondered whether effective measures had been taken to protect the physical and moral integrity of refugee women and of all women victims of armed conflicts.

16. The Committee stated that it was also concerned at the provisions of Zairian legislation which were based on a stereotyped concept of the role of men and women in society and in the home.

17. The Committee feared that certain provisions and principles of the Convention, particularly those guaranteed in articles 3, 4, 5, 10, 12 and 16, had not been taken sufficiently into account in national legislation and policy development.

Suggestions and recommendation

18. The Committee recommended that the national mechanisms responsible for coordination, evaluation and follow-up of the measures and policies adopted in application of the Convention should be strengthened and that they should cooperate closely with all development partners, particularly non-governmental organizations and the specialized agencies of the United Nations.

19. The Committee considered it essential for the Zairian Government to take all appropriate and effective protective measures to guarantee the rights of refugee women and of Zairian women victims of armed conflicts.

20. The Committee encouraged the State party to provide, in its next report, exhaustive information on the consequences of those conflicts for the lives of Zairian women.

21. The Committee emphasized that the general principles set forth in articles 3, 4, 5, 10, 12 and 16 of the Convention should be clearly integrated into national legislation and policies. It recommended that the Government should consider reviewing its legislation to bring it into conformity with the Convention.

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classify them in advance, which would allow the group to discuss implementation in greater depth.

4. The Chairperson suggested that at future sessions, her working group might meet with non-governmental organizations to conduct a thematic discussion on a particular area. She suggested that Working Group I should discuss the role of the pre-session, in particular given that the Committee would now have two sessions per year. She suggested that reports for consideration by the Committee would now need to be identified two sessions in advance and that it might well be more appropriate for the pre-session to be held at the end of the previous session, as is the practice of some other human rights treaty bodies. In addition, she raised the question of specialization of Committee members and the use of concluding comments in future consideration of implementation of the Convention in individual States parties.

5. A number of members of the Committee commented on the suggestions put forward by the Chairperson of the working group. One member suggested that if the group met at the end of the previous session, the work of the States parties and non-governmental organizations would be facilitated and a dialogue could be entered into with States parties.

6. One member suggested that there was no reason to employ different procedures for initial and periodic reports. Other members suggested that the most difficult task was to compare first and periodic reports. Another suggested that the pre-session working group, which met before the current session, should have reviewed reports selected for consideration for the July session, as this would allow for richer questions from the Committee, give non-governmental organizations an opportunity to intervene and States parties time to answer the questions. It was stressed that as the working group consisted of only four members of the Committee, all other Committee members should send their questions with regard to periodic reports well in advance so that they could be integrated by the Secretariat. She also urged the dispatch of non-governmental organization reports well in advance.

7. The Chairperson of the pre-session working group explained that in previous sessions the Committee had decided not to consider initial reports in the working group because it was important to establish a direct constructive dialogue with the State party. She noted that the Committee's concluding comments facilitated the maintenance of that dialogue and urged that those formulated at the current session should follow the articles of the Convention and be as complete as possible. She noted that the concluding comments were an invaluable basis for the consideration of the subsequent report of the States party.

8. A number of members suggested that the pre-session working group should continue to review periodic reports only and not initial reports. A number of members urged the development of specialization amongst Committee members, making it clear that specialization would not preclude general discussion by members. Support was expressed for specialization amongst members and it was suggested that experts should identify annually the area in which they wished to specialize.

9. Other members urged that reports for consideration be selected 12 months in advance and be considered at a working group at the session in advance of the session at which they were to be considered. In that context, one member suggested that the analysis of reports provided by the Secretariat be simplified and contain the text of reservations entered by the State party, and whether they had been amended or withdrawn, and the concluding comments of the Committee and other treaty bodies with regard to the State.

10. It was noted that the Committee required more organized procedures and that steps were needed to ensure that questions for the State party were sent well in advance so that written replies could be provided, allowing the Committee duly to discuss issues with the State party. Some members noted that the Committee was a large one and that members should speak once, rather than repeat questions already posed. The Committee concluded that the issues raised were properly the province of Working Group I, but that if a decision were made to change the procedures of the Committee, some bridging measures would be required. In that context, it was suggested that the guidelines for reporting might warrant revision, as might the methods of work of the Committee.